

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	<u>IN PROCEEDINGS UNDER CHAPTER 7</u>
)	
DEAN MAYNARD BOLAND,)	CASE NO. 16-10250-jps
)	
Debtor)	U.S. BANKRUPTCY JUDGE
)	JESSICA E. PRICE SMITH

**MOTION OF DEBTOR, DEAN MAYNARD BOLAND,
TO AVOID JUDGMENT LIEN OF JANE DOE AND JANE ROE
PURSUANT TO SECTION 522(f)(1)(A) OF THE BANKRUPTCY CODE**

Now comes the Debtor, Dean Maynard Boland, by and through his counsel, and hereby moves this Honorable Court, pursuant to the provisions of Rule 4003(d) of the Federal Rules of Bankruptcy Procedure and Section 522(f)(1)(A) of the Bankruptcy Code, for an Order avoiding the judgment lien filed by Jane Doe and Jane Roe upon the interest of the Debtor in the real property located at 1440 Lewis Drive in the City of Lakewood, Cuyahoga County, Ohio, being permanent parcel number 315-04-048 and being more fully described in Exhibit “A” attached hereto and made a part hereof (hereinafter the “Real Property”), for reason that said judgment lien impairs the exemption under the provisions of Section 2329.66(A)(1) of the Ohio Revised Code, made applicable herein pursuant to Section 522(b)(1) of the Bankruptcy Code, to which

the Debtor, Dean Maynard Boland, would have been entitled had such judgment lien not attached to said property, based upon the following facts:

1. On January 20, 2016, the Debtor, Dean Maynard Boland, filed his voluntary petition under Chapter 7 of the Bankruptcy Code.

2. The Debtor properly scheduled Jane Doe and Jane Roe as creditors in the within case.

3. The Debtor, Dean Maynard Boland, is the owner of the Real Property.

4. The Real Property had, at the time of the filing of the petition herein, a fair market value, according to the Cuyahoga County Auditor of \$148,500 and, according to the Debtor, of \$230,000..

5. The Debtor, Dean Maynard Boland, is entitled to claim an exemption in the Real Property in the total amount of \$132,900 pursuant to Section 2329.66(A)(1) of the Ohio Revised Code.

6. The Real Property was, at the time of the filing of the petition herein, encumbered by a mortgage lien in favor of Flagstar Bank, FSB, in the sum of \$104,140.41. The Debtor's interest in the Real Property is next encumbered by the statutory lien against the Debtor filed September 6, 2011 at JL-11-466067 by the Ohio Department of Taxation, with an outstanding balance owed of \$14,490.94 plus interest and costs. The Debtor's interest in the Real Property is next encumbered by the judgment lien against the Debtor filed October 31, 2011 at JL-11-472146 by Jane Doe and Jane Roe, with an outstanding balance owed of \$321,573.14 plus interest and costs.

7. The above judgment lien impairs the exemption claimed by the Debtor, Dean Maynard Boland.

8. The judgment lien referred to herein does not secure a debt owed to a spouse, former spouse, or child of the Debtor, Dean Maynard Boland, for alimony to, maintenance for, or

support of such spouse or child, in connection with a separation agreement, divorce decree or other order of a court of record, determination made in accordance with State or territorial law by a governmental unit, or property settlement agreement, nor is the debt secured by said judgment lien assigned to another entity, voluntarily or by operation of law, or otherwise and including a liability designated as alimony, maintenance, or support.

WHEREFORE, the Debtor, Dean Maynard Boland, prays this Honorable Court for an Order:

1. Avoiding the judgment lien referenced herein and filed by Jane Doe and Jane Roe upon the Real Property owned by the Debtor, Dean Maynard Boland, and located at 1440 Lewis Drive in the City of Lakewood, Cuyahoga County, Ohio, in its entirety;
2. For such other and further relief as this Court may deem just.

/s/ Stephen D. Hobt

STEPHEN D. HOBT
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SERVICE

I certify that, on March 2, 2016, a true and correct copy of the foregoing Debtor's Motion to Avoid Judgment Lien was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Richard A. Baumgart, Esq., Chapter 7 Trustee, at baumgart_trustee@dsb-law.com.
Dov Frankel, Esq., on behalf of John W. Forrest, at dfrankel@taftlaw.com.
Jonathan E. Rosenbaum, Esq., on behalf of Jane Doe and Jane Roe, through Peter M.
Lora and Victoria Bloom, at jerosenbaum@windstream.net.

Sheldon Stein, Esq., on behalf of Jane Doe and Jane Roe, through Peter M. Lora and Victoria Bloom, at ssteindocs@gmail.com.

And by certified U.S. mail, postage prepaid, on:

Jane Doe
c/o Peter Lora
15717 Clifton Boulevard
Lakewood, Ohio 44107

Jane Roe
c/o Victoria Bloom
10217 Unity Avenue
Cleveland, Ohio 44111

And by regular U.S. mail, postage prepaid, on:

Dean Maynard Boland
1440 Lewis Drive
Lakewood, Ohio 44107

Peter Lora
17506 Neff Road
Cleveland, Ohio 44119

Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: March 2, 2016.

/s/ Stephen D. Hobt

STEPHEN D. HOBT
Attorney for Debtor

Lienholder	Balance Owed
Flagstar Bank, FSB	\$104,140.41
Ohio Department of Taxation	\$14,490.94
Jane Doe and Jane Roe	\$321,573.14
Exemption claimed:	\$132,900.00
TOTAL:	\$573,104.49
VALUE OF PROPERTY:	\$230,000.00
EXTENT OF AVOIDANCE:	\$343,104.49

Exhibit A

Situated in the City of Lakewood, County of Cuyahoga, State of Ohio:

and known as being Sublot No. 194 in the Homesite Company's Waterbury-Parkway Subdivision of part of Original Rockport Township Section No. 21, as shown by the recorded Plat in Volume 57 of Maps, Page 18 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent parcel number: 315-04-048.

Property address: 1440 Lewis Drive, Lakewood, Ohio 44107.